REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 4, 8, 12-14, 21-23, and 29 were cancelled previously. Claims 1, 18, 20, and 24-26 have been amended. Claims 1, 3, 5-7, 9-11, 15-20, 24-28, and 30-32 are pending in this application.

I.   Rejection of Claims 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31 Under 35 U.S.C. § 102(e)

In Section 1 of the Final Office Action dated October 5, 2007, Claims 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0141740 to Matsui (Matsui). Applicants respectfully disagree because Matsui fails to teach, suggest, or disclose all of the elements of at least independent Claims 1, 18, 20, and 24-26, as amended.

Independent Claim 1, as amended and with emphasis added through underlining, recites in part:

> sending a response to the received first request from the
> streaming server to the streaming client, the response including
> a plurality of error resilience levels supportable by the
> streaming server in sending the media to the streaming client,
> <u>wherein the plurality of error resilience levels includes a first
> error resilience level indicating a default error resilience level
> of the streaming server and a second error resilience level
> indicating an alternative error resilience level</u>;

Independent Claim 18, as amended and with emphasis added through underlining, recites in part:

> receiving means for receiving streaming media sent from a
> streaming server to the client device via a transmission channel
> and for receiving a plurality of error resilience levels
> supportable by the streaming server in streaming the media to
> the client device, <u>wherein the plurality of error resilience levels
> includes a first error resilience level indicating a default error
> resilience level of the streaming server and a second error
> resilience level indicating an alternative error resilience level</u>;

Independent Claim 20, as amended and with emphasis added through underlining, recites in part:

> receiving means for receiving a first request for media from a streaming client and for receiving a second request from the streaming client, the second request including an error resilience level selected from a plurality of error resilience levels, <u>wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level</u>

Independent Claim 24, as amended and with emphasis added through underlining, recites in part:

> send a response to a first device requesting media, the response including a plurality of error resilience levels supportable when sending the media to the first device, <u>wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level</u>;

Independent Claim 25, as amended and with emphasis added through underlining, recites in part:

> receive a response from the streaming server, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, <u>wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level</u>;

Independent Claim 26, as amended and with emphasis added through underlining, recites in part:

> receiving a response from the streaming server at the streaming client, the response including a plurality of error resilience levels supportable by the streaming server when sending the media, <u>wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level</u>

At paragraphs [0247]-[0248], Matsui states:

> While in this second embodiment the user sets the anti-error intensity of the video data to be received first among the plural video data corresponding to the same video sequence and having different anti-error intensities, the anti-error intensity of the video data to be received first may be a default value that is unique to the receiving terminal.
>
> In this case, the receiving terminal requests a video stream corresponding to a video element suited to the default value of the anti-error intensity, among the plural video elements 711~714 described in the SMIL file FSD2, and receives this video stream. Thereafter, in the receiving terminal, the video stream being received is switched to a video stream having an appropriate anti-error intensity according to the incidence of error during reception of the video stream.

Matsui consistently and repeatedly describes the setting of the default value at the receiving terminal and not at the server. (*See* paras. [0284], [0297], [0298], [0303], [0306], [0312], [0314]). For example, Matsui states that the "audio or text data suited to the anti-error intensity of data to be received, which is set by the user in the receiving terminal or set as a default value of the receiving terminal, is selected from among plural pieces of audio data or text data." (Para. [0284], with emphasis added through underlining). Additionally, Matsui states that the "the transmission error is equal to or larger than the default value (predetermined value) set in the receiving terminal." (Para. [0314], with emphasis added through underlining). Thus, according to Matsui, the default value is unique to the receiving terminal, and a video stream is requested by the receiving terminal based on the default value that is unique to and known only at the receiving terminal.

Additionally, none of the video elements 711-714 is identified as having a default error resilience level in the SMIL file. (*See* Fig. 5(a)). In fact, nowhere does Matsui teach any knowledge of a default value at the server. Instead, the receiving terminal requests the video element suited to the default value which is described as unique to the receiving terminal. Therefore, Matsui fails to disclose, teach, or suggest describe "wherein the plurality of error resilience levels includes a first error resilience level indicating a default error resilience level of the streaming server and a second error resilience level indicating an alternative error resilience level" (with emphasis added through underlining) as recited in

Claims 1, 18, 20, and 24-26. As taught by Matsui, the streaming client (receiving terminal) requests a stream based on a default value known at the streaming client, but is not provided "a first error resilience level indicating a default error resilience level of the streaming server."

Thus, Matsui fails to disclose, teach, or suggest all of the elements of at least independent Claims 1, 18, 20, and 24-26. A rejection under 35 U.S.C. 102(e) cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Claims 3, 5, 6, 9-11, 17, and 27-31 depend from one of Claims 1, 18, and 20. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1, 3, 5, 6, 9-11, 17, 18, 20, and 24-31.
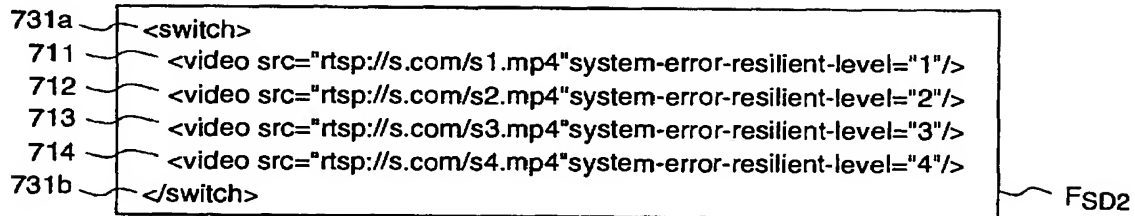
Claim 10 recites:

> The method of claim 9, wherein said error resilience value is stored in a file format in which said media is stored.

Matsui states:

> The server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described.

(Para. [0088]). Matsui only describes inclusion of error resilience levels in a SMIL file. Relative to the SMIL file format, Matsui states "[c]haracter strings such as <smil>, </smil>, <body>, </body>, <switch>, </switch>, and <video>, which are described at the beginnings of the respective rows of the SMIL file FSD1, are called "elements", and each element declares the contents of description which follows the element." (Para. [0092)].

Fig.5 (a)

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731a ─── <switch>
711  ───   <video src="rtsp://s.com/s1.mp4"system-error-resilient-level="1"/>
712  ───   <video src="rtsp://s.com/s2.mp4"system-error-resilient-level="2"/>
713  ───   <video src="rtsp://s.com/s3.mp4"system-error-resilient-level="3"/>
714  ───   <video src="rtsp://s.com/s4.mp4"system-error-resilient-level="4"/>
731b ───   </switch>                                                              ─── FSD2
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As shown in Fig. 5(a) of Matsui reproduced above, the SMIL file FSD2 is a text file that <u>lists</u> the video source files and a "system-error-resilient-level" associated with each video source file. The SMIL file FSD2 does not contain the video source file. In fact, Matsui further states:

> a body element 720a and a /body element 720b declare that the attributes of video data to be reproduced, for example, <u>information indicating the address of the video data (URL),</u> information relating to the coding parameter (the I-frame interval), and the like, are described in the rows positioned between the row including the body element and the row including the /body element.

(Para. [0094], with emphasis added through underlining). Thus, the video source file is not stored in the SMIL file FSD2. The media is stored at the listed URL. For example, the first video data is stored at the URL "rtsp://s.com/s1.mp4" which indicates an "mp4" file format. Again, the SMIL file FSD2 is a text file. Therefore, the SMIL file is not "in a file format in which said media is stored" as recited in Claim 10. The "system-error-resilient-level" is stored in the SMIL file as shown in Fig. 5(a). As a result, the "system-error-resilient-level," as taught by Matsui, is not stored in a file format in which said media is stored. To the contrary, the "system-error-resilient-level" is stored in a text file format. Thus, Matsui also fails to teach, suggest, or disclose "said error resilience value is stored in a file format in which said media is stored" as recited in Claim 10. Therefore, Applicants further respectfully request withdrawal of the rejection of Claim 10 for at least this additional reason.

Claim 28 recites:

> The method of claim 1, further comprising identifying a media content error resilience level from the media wherein the

plurality of error resilience levels includes the identified media content error resilience level.

Again, Matsui states:

> The server 100a comprises a data storage unit 120 for holding plural video streams which are obtained by coding digital video signals corresponding to the same video sequence under different coding conditions, and holding SMIL data in which the attributes of the respective video streams are described.

(Para. [0088]). As discussed above relative to Claim 10, Matsui only describes inclusion of error resilience levels in a SMIL file separate from the media files. (See Figs. 1a and 21a). Relative to the SMIL file format, Matsui states that "[c]haracter strings such as <smil>, </smil>, <body>, </body>, <switch>, </switch>, and <video>, which are described at the beginnings of the respective rows of the SMIL file FSD1, are called 'elements', and each element declares the contents of description which follows the element." (Para. [0092]). The video streams are not described as being stored in a text file format as is the SMIL file. Thus, Matsui also fails to teach, suggest, or disclose "identifying a media content error resilience level from the media" (with emphasis added through underlining) as recited in Claim 28. Therefore, Applicants further respectfully request withdrawal of the rejection of Claim 28 for at least this additional reason.

II.   Rejection of Claims 7, 15, 16, 19, and 32 Under 35 U.S.C. § 103(a)

In Section 2 of the Office Action, Claims 7, 15, 16, 19, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui. Applicants respectfully disagree. Claims 7, 15, 16, 19, and 32 depend from one of Claims 1 or 18. For at least the reasons discussed in Section I. above, Matsui fails to teach, suggest, or describe all of the elements of Claims 1 and 18. An obviousness rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 7, 15, 16, 19, and 32.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>October 20, 2008</u>   By

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